

No. 22-3510

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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Michael Lindell, et al.,  v.  United States, et al.,	Appellants,  Appellees.	<b>Appellants' Statement of Issues</b>
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Pursuant to the Court's December 5, 2022 Appeal Briefing Schedule Order, Appellants provide the following Statement of Issues to be considered on appeal. Appellants reserve the right to modify or add to the issues stated below and to respond to Appellees' statements of issues in their briefs.

1. Whether the District Court should have granted Appellants' motion for preliminary injunctive relief because
  - (a) the warrant relied upon by the Government to justify seizure of Appellants' cell phone was an unconstitutional general warrant that permitted the unrestricted search of all data on

the seized phone, without regard to whether the data had any plausible connection to the investigation for which the warrant was issued.

(b) the Government's targeting of Appellant Lindell for investigation and seizure of his cell phone violated his First Amendment rights as part of an intentional law enforcement campaign to punish and deter Lindell and others from publicly speaking about election fraud.

2. Whether the District Court erred by holding that a plaintiff may not bring an action for injunctive relief to redress the violation of constitutional rights by a federal official.
3. Whether the District Court erred in its analysis concerning Fed. R. Civ. P. 41(g).
4. Whether the District Court erred by declining to exercise its equitable jurisdiction to enjoin federal criminal investigative acts that violate Appellants' constitutional rights.
5. Whether the District Court erred by holding that the speculative possibility of a future criminal prosecution provided Appellants

with an adequate remedy at law to obtain redress of their constitutional claims.

Dated: December 19, 2022

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**CERTIFICATE OF SERVICE  
FOR DOCUMENTS FILED USING CM/ECF**

I hereby certify that on December 18, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

*/s/ Andrew D. Parker*  
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